

CV 14 - 2420

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X
JORDAN WEXLER, on behalf of himself
and all others similarly situated

Plaintiffs,

**COMPLAINT-CLASS ACTION
JURY TRIAL REQUESTED**

v.

I. C. SYSTEM, Inc.

BIANCO, J.

Defendants. **BROWN, M. J.**

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.

★ **APR 14 2014** ★

BROOKLYN OFFICE

INTRODUCTION

1. Plaintiff brings this action to secure redress from unlawful collection practices engaged in by defendant I. C. System, Inc. Plaintiff alleges violation of the Fair Debt Collection Practices Act, 15 U.S.C. §1692 et seq. ("FDCPA").

2. The FDCPA broadly prohibits unfair or unconscionable collection methods; conduct which harasses, oppresses or abuses any debtor; and any false, deceptive or misleading statements, in connection with the collection of a debt. 15 U.S.C. §§1692d, 1692e and 1692f.

JURISDICTION AND VENUE

3. This Court has jurisdiction under 15 U.S.C. §1692k (FDCPA).

4. Venue and personal jurisdiction in this District are proper because the collection communication at issue was received by plaintiff within this District and the Defendant does business within this District.

PARTIES

5. Plaintiff, Jordan Wexler, is an individual and is a consumer as defined by the FDCPA.

6. Defendant, I. C. System, Inc. is a Minnesota corporation with an address of 444 East Highway 96, PO Box 64444 in St. Paul, Minnesota 55164.

7. I. C. System, Inc. is a debt collector as defined by the FDCPA.

FACTS

8. Plaintiff received the collection letter attached to the complaint as Exhibit A.
9. The letter was the initial written communication from I. C. System, Inc.
10. The letter does not adequately identify the creditor to whom the debt is owed.
11. The letter begins "This letter is being sent to advise you about an important notice regarding your National Grid – Long Island Power account".
12. National Grid and Long Island Power are 2 separate companies.
13. There is no such account as a National Grid – Long Island Power account.
14. The account is a National Grid account
15. The account is a Long Island Power account.
16. The account is not a combined Long Island Power account and National Grid account.

CLAIMS FOR RELIEF- VIOLATIONS OF THE FAIR DEBT COLLECTION PRACTICES ACT

17. Plaintiff incorporates by reference all of the above paragraphs of this Complaint as though fully stated herein.
18. The collection letters violate 15 U.S.C. §§1692 and 1692g.
19. Section 1692g entitled Validation of Debts provides:

(a) Notice of debt; contents

Within five days after the initial communication with a consumer in connection with the collection of any debt, a debt collector shall, unless the following information is contained in the initial communication or the consumer has paid the debt, send the consumer a written notice containing—

- (1) the amount of the debt;
- (2) the name of the creditor to whom the debt is owed;
- (3) a statement that unless the consumer, within thirty days after receipt of the notice, disputes the validity of the debt, or any portion thereof, the debt will be assumed to be valid by the debt collector;
- (4) a statement that if the consumer notifies the debt collector in writing within the thirty-day period that the debt, or any portion thereof, is disputed, the debt collector will obtain verification

of the debt or a copy of a judgment against the consumer and a copy of such verification or judgment will be mailed to the consumer by the debt collector; and
(5) a statement that, upon the consumer's written request within the thirty-day period, the debt collector will provide the consumer with the name and address of the original creditor, if different from the current creditor.

20. I. C. System, Inc's conduct violated a portion of the above quoted statute because it failed to identify the name of the creditor to whom the debt is owed.

21. I. C. System, Inc. is liable to the plaintiff for statutory damages pursuant to 15 U.S.C. §1692k.

CLASS ALLEGATIONS

22. Plaintiff brings this action on behalf of a class, pursuant to Federal Rules of Civil Procedure Rule 23(a) and 23(b)(3).

23. The class consists of (a) all individuals (b) with a New York address (c) who have received a letter from I. C. System, Inc. (d) which states the words "National Grid – Long Island Power" in the box captioned "ACCOUNT SUMMARY" (e) on or after a date one year prior to the filing of this action and on or before a date 20 days after the filing of this action.

24. The class is so numerous that joinder of all members is not practicable. On information and belief, there are at least 40 members of the class.

25. There are questions of law and fact common to the class, which common questions predominate over any questions relating to individual class members. The predominant common question is whether the language of the collection letter violates the FDCPA.

26. Plaintiff's claim is typical of the claims of the class members. All are based on the same factual and legal theories.

27. Plaintiff will fairly and adequately represent the class members. Plaintiff has retained counsel experienced in class actions and FDCPA litigation.

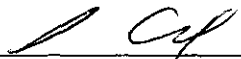
28. A class action is superior for the fair and efficient adjudication of this matter, in that:
- a. Individual actions are not economically feasible;
 - b. Members of the class are likely to be unaware of their rights;
 - c. Congress intended class actions to be the principal enforcement mechanism under the FDCPA.

WHEREFORE, the Court should enter judgment in favor of plaintiff and the class and against the defendant for:

- (1) Statutory damages;
- (2) Attorney's fees, litigation expenses and costs of suit;
- (3) Such other and further relief as the Court deems proper.

Dated: Atlanta, Georgia
April 8, 2013

The Law Offices of Shimshon Wexler, PC

By: 
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Plaintiff requests a trial by jury on all issues so triable.

By: 
Shimshon Wexler

PERSONAL & CONFIDENTIAL

March 6, 2014



IC System

444 Highway 96 East, PO Box 64378
St. Paul, MN 55164-0378

Toll-Free No: 800-737-3122

Dear Jordan Wexler:

This letter is being sent to advise you about an important notice regarding your National Grid - Long Island Power account. Please see below.

You are hereby notified that I.C. System will forward the account information to the national credit reporting agencies in your creditors name if you fail to fulfill the terms of your credit obligations. Of course, you will have the right then, as you do now, to inspect your credit file in accordance with federal law. I.C. System will not submit the account information to the national credit reporting agencies until the expiration of the time period described in the notice below.

If you will be receiving a tax refund and would like to use it to pay your account, please call us to make payment arrangements.

Sincerely,

*Beth Brown*Beth Brown
ManagerIC System has a
Better Business Bureau Rating of A+

We are a debt collector attempting to collect a debt and any information obtained will be used for that purpose.

ACCOUNT SUMMARY

National Grid - Long Island Power

Account No: 1910636070

I.C. System Reference No: 66212119-1-89

Principal Due: \$938.37

BALANCE DUE: \$938.37

\$0.00 has been Paid Since Placement

0610 - System - 048810416 - ISC

ICSystem WFA - 377820 - 0610ISC

PAYMENT OPTIONS

Free online payment at:
www.yourpayment.com
Reference No: 66212119-1-89Scan this code with your
smartphone to pay your bill
online.

Call us: 800-737-3122

Mail payment in enclosed
envelope.Code City: ICS
Code State: MN

Receive Code: 1917

NOTICE

Unless you notify this office within 30 days after receiving this notice that you dispute the validity of this debt or any portion thereof, this office will assume this debt is valid. If you notify this office in writing within 30 days from receiving this notice that you dispute the validity of this debt or any portion thereof, this office will obtain verification of the debt or obtain a copy of a judgment and mail you a copy of such judgment or verification. If you request of this office in writing within 30 days after receiving this notice this office will provide you with the name and address of the original creditor, if different from the current creditor.

Telephone calls to or from our General Office are randomly monitored by supervisory personnel for business reasons not directly related to your account. Calls may be monitored and recorded.

New York City Department of Consumer Affairs License No. 0908324, 1266437 and 1266469

➤ Make check or money order payable to
I.C. System, Inc.

➤ Billing Phone Number: _____

➤ E-Mail Address: _____